

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOSEPH BROWN,

Plaintiff,

v.

MARIN FOX-HEIGHT,

Defendant.

CASE NO. C10-5535BHS/JRC

ORDER DENYING PLAINTIFF'S
MOTION FOR APPOINTMENT OF
COUNSEL

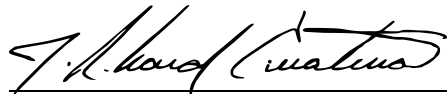
This 42 U.S.C. § 1983 civil rights action has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judges' Rules MJR 1, MJR 3, and MJR 4. The matter is before the court on plaintiff's motion for appointment of counsel (ECF No. 15).

There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the court can request counsel to represent a party, 28 U.S.C. § 1915(e) (1), the court may do so only in exceptional circumstances. Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe, 616

1 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both
2 the likelihood of success on the merits and the ability of the plaintiff to articulate his claims *pro*
3 *se* in light of the complexity of the legal issues involved. Wilborn, 789 F.2d at 1331.

4 Plaintiff has demonstrated an adequate ability to articulate his claims *pro se* and has not
5 made an argument regarding the likelihood of success on the merits. The motion, (ECF No. 15),
6 is **DENIED**.

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8 DATED this 7th day of January, 2011.

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12 J. Richard Creatura
13 United States Magistrate Judge
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